

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2-17 are pending in the application. Claim 1 has been cancelled. Claim 2 has been rewritten in independent form. Claim 3 has been amended to change its dependency. Claims 4-17 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original disclosure, e.g., pages 9 and 17, the last paragraphs, FIG. 1, elements 10b and 9b in FIGs. 3 and 6, element 2 in FIG. 4, and element 11 in FIG. 7. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 112, second paragraph* rejection of claims 1-3 is believed overcome in view of the above amendments.

The provisional obviousness type double patenting rejection is obviated through submission of the concurrently filed Terminal Disclaimer.

The *35 U.S.C. 102(b)* rejection of claims 1-3 as being anticipated by U.S. Patent No. 5,188,627 to *Igaue* is noted. Applicants respectfully traverse the Examiner's rejection of claim 2 because the reference does not fairly teach or disclose the limitation of claim 2. In particular, in the paragraph bridging pages 3-4 of the Office Action, the Examiner states that the elastic elements (5A2, 5B2) attached to the core 14 (Fig. 3 of *Igaue*) inherently make this area of the core stiffer than other regions of the core. The Examiner's analysis is flawed for two reasons. First, the central regions (5A2, 5B2) of the *Igaue* elastic elements are not attached to the core. *See* column 3, lines 25-30 of *Igaue*. Second, attaching elastic elements to the core only makes the diaper, rather than the core, stiffer in the region of the core.

Accordingly, Applicants respectfully request that the anticipatory rejection of claim 2 be withdrawn. The rejection of claim 3 should also be withdrawn because claim 3 now depends from claim 2.

New claims 4-17 are patentable over the applied art of record at least by virtue of their dependency. Claims 4-17 are also patentable on their own merits since these claims recite other unique features of the invention. For example,

- the limitation of claims 4-5 and 15-17 that “a central portion underlying said front end zone of said core and being attached under tension to said backsheet,”
- the limitation of claims 6 and 11 that the first, second and third elastic members do not cross or contact each other, the limitation of claim 7 that “an entire area of said topsheet is smaller than that of said backsheet,”
- the limitation of claim 8 that “said first and second elastic members are not directly attached to the topsheet,”
- the limitation of claim 9 that “said crotch region has an area extending transversely of said undergarment from one of the transversely opposite side edges to the other of the transversely opposite side edges, said area being free of said first, second, and third elastic members,”
- the limitation of claim 10 that “said backsheet has at least two material layers including an upper layer and a lower layer, said first and second elastic members are sandwiched between said upper and lower layers, and said third elastic members are sandwiched between said upper layer and said topsheet,”
- the limitation of claim 12 that “a closest distance between said first and second elastic members as measured in said longitudinal direction is greater than a half of an entire extent of said core as measured in said longitudinal direction,”
- the limitation of claim 13 that “a density of said core is lower in the front and rear end zones than in the middle zone,” and
- the limitation of claim 14, that “a basic weight of said core is lower in the front and rear end zones than in the middle zone, said core having a substantially uniform thickness.”

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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